

COMMITTEE ON LAND USE
(Standing Committee of Berkeley County Council)

Chairman: Mr. Charles E. Davis, District No. 4

Members: Mr. Milton Farley, District No. 1
Mrs. Judith K. Spooner, District No. 2
Mr. William E. Crosby, District No. 3
Mr. Steve M. Vaughn, District No. 5
Mrs. Judy C. Mims, District No. 6
Mr. Caldwell Pinckney, Jr., District No. 7
Mr. Henry L. Richardson, Jr., District No. 8
Mr. James H. Rozier, Jr., Supervisor, ex officio

The COMMITTEE ON LAND USE met on Monday, August 20, 2001, Berkeley County Office Building, 223 North Live Oak Drive, Moncks Corner, South Carolina, at 6:20 p.m.

PRESENT: Mr. Charles E. Davis, Councilmember District No. 4, Chairman; Mr. Milton Farley, Councilmember District No. 1; Mrs. Judith K. Spooner, Councilmember District No. 2; Mr. William E. Crosby, Councilmember District No. 3; Mr. Steve M. Vaughn, Councilmember District No. 5; Mrs. Judy C. Mims, Councilmember District No. 6; Mr. Caldwell Pinckney Jr., Councilmember District No. 7; Mr. Henry L. Richardson, Jr., Councilmember District No. 8; Mr. James H. Rozier, Jr., Supervisor, ex officio; and Mr. D. Mark Stokes, County Attorney.

The requirements of the Freedom of Information Act have been complied with by posting the time, date, place and agenda of this meeting of Berkeley County Council at the entrance to the Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina, and a copy of such notice was mailed to all Councilmembers and the News media.

Chairman Davis called the meeting to order and stated that he would like to address the Addendum item first; Berkeley Run Civic Association, Re: Cooper River Dragway.

Ms. Charlotte Crosby of 108 New Oak Lane, Berkeley Run stated she represented the Berkeley Run Community. (A copy of Ms. Crosby's letter is attached hereto and incorporated herein by reference.)

Chairman Davis asked were there any representatives from the Cooper River Dragway; there being none, he concluded that the item be taken as information.

Chairman Davis proceeded with Item A, Consideration prior to First Reading of the following:

1. Request by Wendy Reynolds, 317 Briarpatch Lane, Summerville, TMS #209-06-00-024 (1.9 acres).

Mr. LeaMond pointed out the properties on Highway 176 down to Carnes Cross Roads. He stated the Planning Commission's recommendation was to deny the request for Ms. Reynolds because it was not contiguous to any properties that were zoned commercial; and it could not be spot-zoned. The other properties were recommended for approval.

It was moved by Councilmember Spooner and seconded by Councilmember Farley to deny Ms. Reynolds' request.

Councilmember Spooner asked what was the zoning surrounding Ms. Reynolds' property? Mr. LeaMond stated the property to the east would be General Commercial; properties across the road are R-2; and the other properties on the two sides would be Flex-1. Councilmember Richardson asked would it be spot-zoning? Mr. LeaMond stated, yes, for this particular parcel because it's separated from the others that are different requests. Councilmember Spooner asked if the other two parcels in the middle were to change the zoning, could Ms. Reynolds' parcel be changed? Mr. LeaMond stated yes, it would be contiguous by virtue of sharing the property line. Councilmember Vaughn stated it doesn't make sense to him that one is commercial and a small portion on the front corner is zoned Commercial and the others are not.

The motion passed by unanimous voice vote of the Committee.

Chairman Davis stated the second part of the request was from Elias A. Driggers, Jr., State Road, Summerville, TMS #209-06-00-034 (2.49 acres) Harold C. Driggers, 1353 State Road, Summerville, TMS #209-06-00-026 & 033 (4.4 acres total), and Don Driggers, 131 Kimberly Lane, Summerville, TMS 209-06-00-035 (2.49 acres), from F-1, Flexible District, to CG, General Commercial.

Mr. LeaMond pointed out the four contiguous parcels and stated the recommendation of the Planning Commission was to approve.

Councilmember Crosby asked for what reason did two Planning Commission members vote against this? Mr. LeaMond stated there was opposition by an adjacent property owner and another gentleman who owns property across the road; therefore, part of the Committee sided with the opposition.

It was moved by Councilmember Crosby and seconded by Councilmember Vaughn to approve the request. The motion passed by unanimous voice vote of the Committee.

Item 2, Request by Joseph E. Rudd, 3963 State Road, Ridgeville, TMS #117-00-00-038 (1.34 acres), from F-1, Flexible District, to CN, Neighborhood Commercial.

Mr. LeaMond pointed out the property near the Intersection of Highway 176 and Mudville Road and stated the gentleman is going to put a deer rendering facility, which would fall under personal services; so, the Staff's and Planning Commission's recommendation were to approve.

It was moved by Councilmember Pinckney and seconded by Councilmember Vaughn to approve the request. The motion passed by unanimous voice vote of the Committee.

Mr. LeaMond stated Items 3, 4, and 5 are all contiguous properties.

Item 3, Request by Fusion Properties, LLC, 7060 North Rhett, Goose Creek, TMS #252-00-00-035 (4.24 acres), from CG, General Commercial, to HI, Heavy Industrial.

Item 4, Request by Griffith-Knapp Properties, North Rhett, Goose Creek, TMS #252-00-00-002 (4 acres), from CG, General Commercial, to HI, Heavy Industrial.

Item 5, Request by George E. Polk, Corner of Redbank Road and North Rhett, Goose Creek, TMS #252-00-00-003 (13.2 acres), from CG, General Commercial to HI, Heavy Industrial.

Mr. LeaMond pointed out Red Bank and the Intersection of North Rhett where the three parcels were located. He stated the gentleman would like to expand his business of custom fitting containers. Supervisor Rozier stated this is not a storage area for containers but he is making offices and selling them.

Mr. Al Kennedy stated he would have about five to six containers on site but would move them in and out very quickly. It would not be a container storage area. Councilmember Crosby asked could that be put into an agreement that it not become a storage area.

It was moved by Councilmember Spooner and seconded by Councilmember Farley to approve the request. The motion passed by unanimous voice vote of the Committee.

Chairman Davis stated Item B was Review prior to Second Reading of the following:

1. Bill No. 01-31, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Vera Junior Owens, 1693 Bethera Road, Bonneau, TMS #106-00-00-002 (1.63 acres), from CG, General Commercial, to F-1, Flexible District.

It was moved by Councilmember Spooner and seconded by Councilmember Richardson to send Bill No. 01-31 to Second Reading. The motion passed by unanimous voice vote of the Committee.

2. Bill No. 01-32, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Brown & Tharp LLC, Miles Lane, Ridgeville, TMS #174-00-00-004 (60.1 acres), from F-1, Flexible District, to LI, Light Industrial.

Chairman Davis asked that the individual in opposition to this request present his comments.

Mr. Hardy Brown of 487 Stable Lane, Ridgeville, SC, addressed Council in regard to the property located at the intersection of I-26 and S-8-27, Ridgeville, South Carolina. He indicated that if this area were rezoned to Light Industrial then the applicant would be one step closer to seeing his beloved racetrack constructed next to one of the last most valuable natural jewels in the State of South Carolina. (A copy of Mr. Brown's letter is attached hereto and incorporated herein by reference.)

Councilmember Pinckney stated it was his understanding that racetracks are not permitted in Light Industrial.

Mr. LeaMond stated that as it's currently proposed, it would only be allowed in Heavy Industrial under the ordinance being considered for adoption. Supervisor Rozier indicated that once Mr. Mike Brown requests Light Industrial, his grandfathered opportunity for a racetrack disappears.

Mr. Stokes stated that if there is currently a non-conforming use and it changes, the non-conforming use ends at that point. Mr. Hardy Brown stated he was not aware of the grandfather situation but he still opposes because of over 70 animals that would be affected if the property is developed into a Light Industrial area.

Councilmember Vaughn asked Mr. Brown what would he propose to be done to the property if he is opposed to Light Industrial and Heavy Industrial for the racetrack? Mr. Brown asked where does the development stop? There is only so much land to work with. Councilmember Vaughn stated owners of properties have rights. Mr. Brown stated plants and animals are also part of the chain. Councilmember Vaughn stated it sounds as if there is a great shortage of land and that's not the case because this is a rural state. He stated he feels that people sometimes underestimate the animals' ability to adapt to their surroundings.

Supervisor Rozier stated these are the reasons that we have been diligently creating permanent green space in Berkeley County. Nucor has put 5,000 acres of Hagen Plantation in permanent green space protecting nine and half miles of the Cooper River; Dupont has put 1200 acres in protecting about six to seven miles of the Cooper River and two miles of Durham Canal. He stated, currently we have 29 percent of land-mass in the County that would never be developed in green space and perpetuity; 11 percent of the County is water; so, 40 percent of the County would not be developed and he is proud of that. Supervisor Rozier stated his effort is to have this County well rounded with good quality green space and at the same time creating opportunities and jobs.

Mr. Stokes indicated that he had been asked to do further research in regard to this matter because this case is in litigation.

Mr. Mike Brown, Applicant, of Moncks Corner addressed Council and indicated it was not their plan to rid the 65 acres of all trees and wild life. He stated the area has less than three acres of wetlands, two wooded acres, and the majority of it is farmland. If this is rezoned into Light Industrial he can assure them that it won't be a racetrack. They are looking to put 10 to 30 1,000 square foot buildings with a storage area for materials. He stated this case is in litigation with the Supreme Court; one Judge ruled in their favor and one against them. They have a substantial amount of money invested and they are looking to recover their money and do something else that's more involved than racetracks. If the State Supreme Court says they can build a racetrack then they would build a racetrack.

Supervisor Rozier asked Mr. Brown if he was still in favor of moving forward with the request for Light Industrial with the understanding that it takes the grandfathering for the racetrack away if it goes to Third Reading? Mr. Brown stated he would be a fool to do that; however, he would have his Attorney contact Mr. Stokes, the County's Attorney. Supervisor Rozier reiterated to Mr. Brown that if the request goes to Third Reading, the opportunity of racetracks removes itself and he would lose the grandfathering.

Mr. Hardy Brown indicated to Councilmember Vaughn that they are hard working citizens and own land and properties, also. He seemed to be making a joke of it and it is very serious to him. He stated he was a little offended by the way he has addressed this whole situation, "it's not a joke." Councilmember Vaughn apologized to Mr. Brown but indicated that he gets tired of people using agencies and animals to get what they want when the truth is that they're the ones that object to the development of the property.

It was moved by Councilmember Spooner and seconded by Councilmember Pinckney to send Bill No. 01-32 to Second Reading. The motion passed by unanimous voice vote of the Committee.

3. Bill No. 01-33, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Hazel M. Blackwell, I-26 at S-8-27, Ridgeville, TMS #175-00-01-033 (17.43 acres), from F-1, Flexible District, to LI, Light Industrial.

It was moved by Councilmember Spooner and seconded by Councilmember Pinckney to send Bill No. 01-33 to Second Reading. The motion passed by unanimous voice vote of the Committee.

4. Bill No. 01-34, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Neville & Brenda Morgan, 993 Sheep Island Road, Summerville, TMS #194-00-03-033 (.07 acre portion of .825 acre total), from F-1, Flexible District, to CN, Neighborhood Commercial.

It was moved by Councilmember Spooner and seconded by Councilmember Pinckney to send Bill No. 01-34 to Second Reading. The motion passed by unanimous voice vote of the Committee.

5. Bill No. 01-35, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Lovell Investment, L. P., 204 Royle Road, Summerville, TMS #242-00-02-053 & 054, (7.37 acres total), from CG, General Commercial, to LI, Light Industrial.

It was moved by Councilmember Spooner and seconded by Councilmember Farley to send Bill No. 01-35 to Second Reading. The motion passed by unanimous voice vote of the Committee.

6. Bill No. 01-36, an Ordinance, to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Rebecca Smalls, 3028 Old Highway 52, Moncks Corner, TMS #224-00-01-029, (6.25 acres), from R-2, Mobile Home District, to R-2RF, Mobile Home Rural Farm Residential.

It was moved by Councilmember Spooner and seconded by Councilmember Pinckney to send Bill No. 01-36 to Second Reading. The motion passed by unanimous voice vote of the Committee.

7. Bill No. 01-37, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: William B. Dorn, 1542/1554 South Live Oak Drive, Moncks Corner, TMS #161-15-00-033 & 50, (4.28 acres total), from CG, General Commercial, to F-1, Flexible District.

It was moved by Councilmember Richardson and seconded by Councilmember Spooner to send Bill No. 01-37 to Second Reading. The motion passed by unanimous voice vote of the Committee.

8. Bill No. 01-38, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Betty A. Franklin for Jack Greene, 124 Justin Court, Ladson, TMS #242-00-02-030, (2.26 acre portion) 3 acres total), from CG, General Commercial, to F-1, Flexible District.

It was moved by Councilmember Spooner; and seconded by Councilmember Pinckney to send Bill No. 01-38 to Second Reading. The motion passed by unanimous voice vote of the Committee.

9. Bill No. 01-40, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Dilys M. Wright, R & D Acres Mobile Home Park, 193 Acres Drive, Ladson, TMS #242-07-00-023 (5.35 acres), from R-2, Mobile Home Residential, to LI, Light Industrial.

It was moved by Councilmember Spooner and seconded by Councilmember Farley to send Bill No. 01-40 to Second Reading. The motion passed by unanimous voice vote of the Committee

Item C, Review prior to Third Reading of the following:

1. Bill No. 01-27, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Barbara O. Humbert, 704 Ponteamy Branch Road, St. Stephen, TMS #036-00-04-052, (1 lot), from F-1, Flexible District, to CN, Neighborhood Commercial.

It was moved by Councilmember Pinckney and seconded by Councilmember Crosby to send Bill No. 01-27 to Third Reading. The motion passed by unanimous voice vote of the Committee.

2. Bill No. 01-28, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Residents of Chapparral Ranches, Creekside Acres, Forest Acres, Lakewood, and Marshall Acres Subdivisions, from R-2, Mobile Home Residential, to R-2R(f), Mobile Home Rural Farm Residential.

It was moved by Councilmember Crosby and seconded by Councilmember Spooner to send Bill No. 01-28 to Third Reading. The motion passed by unanimous voice vote of the Committee.

Chairman Davis stated Item D, Bill No. 01-10 an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Gayle Judy, 1009 Black Oak Road, Bonneau, 068-04-02-005, 060, 061, 062, & 063 was held in Committee. However, due to Mr. McCall being unable to attend this meeting, he would hold this item another month.

It was moved by Councilmember Vaughn and seconded by Councilmember Spooner to adjourn. The motion passed by unanimous voice vote of the Committee.

The Meeting adjourned at 6:55 p.m.